

Invitation to Bid

City of Milwaukee

CITY OF MILWAUKEE
200 E WELLS STREET
MILWAUKEE WI 53202
United States

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Ship To: See Detail Below

Bill To: MILW WTR WORKS-ADMIN 641ADMIN
MUNICIPAL BLDG., ROOM 409
841 NORTH BROADWAY
MILWAUKEE WI 53202
United States

Line	Item	Description	Mfg ID	Mfg Item ID	Quantity	UOM	Need Date
1		VC FOR COVERALLS			1.0000	VEN	

Freight Terms: DEST **Ship Via:** NOT APPL

VENDOR CONTRACT TO FURNISH WINTER AND SUMMER COVERALLS FOR A ONE YEAR PERIOD FROM DATE OF AWARD, WITH THE OPTION FOR THREE ADDITIONAL ONE YEAR PERIODS.

ANY QUESTIONS, REQUESTS FOR CLARIFICATIONS, ETC. MUST BE DIRECTED IN WRITING TO THE PURCHASING AGENT LISTED ON THIS BID (E-MAIL: DIANE.BERNDT@MILWAUKEE.GOV OR FAX: 414-286-5976) NO LATER THAN 4:45 PM ON 3/4/08. REQUESTS RECEIVED AFTER THAT TIME WILL NOT BE CONSIDERED.

THIS INVITATION TO BID REQUIRES AN EMERGING BUSINESS ENTERPRISE (EBE) PARTICIPATION OF 18% IN ACCORDANCE WITH THE CITY OF MILWAUKEE ORDINANCE CHAPTER 360.

NOTE: READ THE TOTAL EMERGING BUSINESS ENTERPRISE PROVISIONS IN THE BID PACKAGE VERY CAREFULLY. EBE FORMS A AND B MUST BE RETURNED WITH YOUR BID.

EBE PARTICIPATION IS AN ELEMENT OF BID RESPONSIVENESS. FAILURE TO MEET THE SPECIFIED EBE REQUIREMENTS WILL RENDER THE BID UNRESPONSIVE, AND THE DOA-BUSINESS OPERATIONS DIVISION MAY THEN RECOMMEND AWARD TO THE NEXT APPARENT LOW BIDDER. [REF: SEC. III C (3)].

FOR FURTHER INFORMATION REGARDING EBE PARTICIPATION, CONTACT THE EMERGING BUSINESS ENTERPRISE MANAGER, CHRISTOPHER MARTIN AT 414-286-5552 OR THE MAIN OFFICE NUMBER AT 414-286-5553.

THE USER DEPARTMENT MAY REQUIRE SAMPLES OF BOTH WINTER AND SUMMER COVERALLS FOR REVIEW PRIOR TO MAKING AN AWARD. ALL SAMPLES MUST BE PROVIDED TO THE PURCHASING AGENT MAKING THE REQUEST WITHIN 3 WORKING DAYS AFTER RECEIPT. FAILURE TO PROVIDE A SAMPLE WITHIN THREE WORKING DAYS OF REQUEST WILL DEEM YOU BID NON-COMPLYING.

ESTIMATED QUANTITY: 140 WINTER COVERALLS AND 140 SUMMER COVERALLS ANNUALLY.

WINTER COVERALL SPECIFICATIONS:

- COLOR: DUCK BROWN
- GARMENT MUST BE RATED TO PROTECT FOR EXTENDED USE AT LEAST 30 BELOW ZERO.
- HEFTY 8 OZ. POLYESTER HOLLOFILL FOR TOP TO BOTTOM WARMTH.
- INSULATED HOOD WITH DOUBLE THICK KNIT COLLAR.
- 2-WAY BRASS ZIPPERS. COMPOSITES AND LIGHTER METALS WILL NOT BE CONSIDERED.
- EASY ON AND OFF FULL LENGTH TWO WAY BRASS ZIPPER FOR BOTH LETS. COMPOSITES AND LIGHTER METALS WILL NOT BE CONSIDERED.
- ALL SIZES TO BE OFFERED IN REGULAR AND TALL

PRICING FOR WINTER COVERALLS:

SMALL - REGULAR \$ _____ EACH

WE BID MFG AND PART #: _____

MEDIUM - REGULAR \$ _____ EACH

WE BID MFG AND PART #: _____

LARGE - REGULAR \$ _____ EACH

WE BID MFG AND PART #: _____

X-LARGE - REGULAR \$ _____ EACH

WE BID MFG AND PART #: _____

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	2	X-LARGE - REGULAR \$_____				EACH	
		WE BID MFG AND PART #:					
	3	X-LARGE - REGULAR \$_____				EACH	
		WE BID MFG AND PART #:					
	4	X-LARGE - REGULAR \$_____				EACH	
		WE BID MFG AND PART #:					
		SMALL - LONG \$_____				EACH	
		WE BID MFG AND PART #:					
		MEDIUM - LONG \$_____				EACH	
		WE BID MFG AND PART #:					
		LARGE - LONG \$_____				EACH	
		WE BID MFG AND PART #:					
		X-LARGE - LONG \$_____				EACH	
		WE BID MFG AND PART #:					
	2	X-LARGE - LONG \$_____				EACH	
		WE BID MFG AND PART #:					
	3	X-LARGE - LONG \$_____				EACH	
		WE BID MFG AND PART #:					
	4	X-LARGE - LONG \$_____				EACH	
		WE BID MFG AND PART #:					
		SUMMER COVERALL SPECIFICATION:					
		- COLOR: NAVY					
		- LONG SLEEVES					
		- HEAVY-DUTY TWILL WITH TWO BRASS SNAPS ON LAPEL, FOUR NEEDLE SAFETY STITCH SEAMS					
		FOR EXTRA STRENGTH. COMPOSITES AND LIGHTER METALS WILL NOT BE CONSIDERED.					
		- 2-WAY BRASS ZIPPERS. COMPOSITES AND LIGHTER METALS WILL NOT BE CONSIDERED.					
		- HANDY DOUBLE TOOL POCKET ON LEG.					
		- SIX DEEP POCKETS.					
		PRICING FOR SUMMER COVERALLS:					
		SMALL - REGULAR \$_____				EACH	
		WE BID MFG AND PART #:					

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	MEDIUM - REGULAR	\$ _____ EACH					
	WE BID MFG AND PART #: _____						
	LARGE - REGULAR	\$ _____ EACH					
	WE BID MFG AND PART #: _____						
	X-LARGE - REGULAR	\$ _____ EACH					
	WE BID MFG AND PART #: _____						
	2 X-LARGE - REGULAR	\$ _____ EACH					
	WE BID MFG AND PART #: _____						
	3 X-LARGE - REGULAR	\$ _____ EACH					
	WE BID MFG AND PART #: _____						
	4 X-LARGE - REGULAR	\$ _____ EACH					
	WE BID MFG AND PART #: _____						
	SMALL - LONG	\$ _____ EACH					
	WE BID MFG AND PART #: _____						
	MEDIUM - LONG	\$ _____ EACH					
	WE BID MFG AND PART #: _____						
	LARGE - LONG	\$ _____ EACH					
	WE BID MFG AND PART #: _____						
	X-LARGE - LONG	\$ _____ EACH					
	WE BID MFG AND PART #: _____						
	2 X-LARGE - LONG	\$ _____ EACH					
	WE BID MFG AND PART #: _____						
	3 X-LARGE - LONG	\$ _____ EACH					
	WE BID MFG AND PART #: _____						
	4 X-LARGE - LONG	\$ _____ EACH					
	WE BID MFG AND PART #: _____						

ETHICAL PURCHASING OF APPAREL AND SERVICING OF APPAREL ITEMS. EFFECTIVE 4/25/03, THE SUCCESSFUL BIDDER FOR SUCH PROCUREMENTS MUST COMPLY WITH ALL APPLICABLE LAWS REGARDING WAGES AND BENEFITS, WORKPLACE HEALTH AND SAFETY, FORCED AND CHILD LABOR AND FREEDOM OF ASSOCIATION. THE CITY PURCHASING DIRECTOR SHALL PROVIDE ALL INTERESTED THIRD PARTIES AN OPPORTUNITY TO SUBMIT INFORMATION RELATING TO THE COMPLIANCE OF CONTRACTORS AND SUBCONTRACTORS OF APPAREL RELATED ITEMS AND REVIEW SAME AS THEY BECOME AVAILABLE. IF CONTRACTOR IS FOUND TO BE IN VIOLATION OF ANY

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		APPLICABLE LAWS, IN ACCORDANCE WITH CITY OF MILWAUKEE ORDINANCE 310-17, THE CONTRACTOR MAY BE SUBJECT TO ANY OF THE FOLLOWING SANCTIONS IMPOSED BY THE CITY:					

- A. WITHHOLDING OF PAYMENTS.
B. TERMINATION, SUSPENSION OR CANCELLATION OF THE CONTRACT IN WHOLE OR IN PART.
C. AFTER A DUE PROCESS HEARING, DENIAL OF THE RIGHT OF THE CONTRACTOR TO BID ON FUTURE CITY CONTRACTS, BY HIMSELF OR HERSELF, PARTNER OR AGENT, OR BY ANY CORPORATION OF WHICH HE OR SHE IS A MEMBER, FOR A PERIOD OF ONE YEAR AFTER THE FIRST VIOLATION IS FOUND AND FOR A PERIOD OF 3 YEARS AFTER A SECOND VIOLATION IS FOUND.

WILL YOU COMPLY WITH THIS REQUIREMENT? ____ YES ____ NO

FAILURE TO AGREE WITH THIS REQUIREMENT, CAN RESULT IN BID REJECTION. AFTER EVALUATING THE BIDS RECEIVED AND DETERMINING THE APPARENT LOW COMPLYING BIDDER, SUCH BIDDER SHALL BE NOTIFIED THAT WITHIN 10 WORKING DAYS FROM RECEIPT OF NOTIFICATION, BIDDER MUST SUBMIT APPLICABLE AFFIDAVITS TO THE CITY AS EVIDENCE OF COMPLIANCE WITH THIS REQUIREMENT. AFFIDAVIT CAN BE VIEWED AT [HTTP://WWW.CI.MIL.WI.US/CITYGOV/DOA/SP/FORMS/CLEANCLOTHESFORM.DOC](http://WWW.CI.MIL.WI.US/CITYGOV/DOA/SP/FORMS/CLEANCLOTHESFORM.DOC).

DELIVERY IS REQUIRED NO LATER THAN 30 CALENDAR DAYS AFTER RECEIPT OF ORDER.

WILL YOU COMPLY WITH THIS REQUIREMENT? ____ YES ____ NO

NOTE: IF YOU CANNOT MEET THE 30 CALENDAR DAY DELIVERY REQUIREMENT, YOUR BID WILL BE CONSIDERED NON-RESPONSIVE!

DELIVERY TO BE TO THE FOLLOWING LOCATIONS:

METER SHOP
1901 S KINNICKINNIC AVENUE
MILWAUKEE WI 53204

WATER DISTRIBUTION
3850 N 35TH STREET
MILWAUKEE, WI 53216

FUEL AND/OR SHIPPING SURCHARGES ARE NOT ALLOWED AND WILL NOT BE PAID BY THE CITY OF MILWAUKEE.

FREIGHT INCREASE: IF THERE IS A FREIGHT INCREASE PRIOR TO DELIVERY OF THE PRODUCT, THE ADDITIONAL INCREASE MUST BE AT THE EXPENSE OF THE BIDDER/CONTRACTOR.

AWARD WILL BE MADE IN TOTAL TO THE LOWEST RESPONSIBLE AND RESPONSIVE BIDDER COMPLYING WITH THE SPECIFICATIONS AND DELIVERY REQUIREMENTS. LOW TOTAL WILL BE DETERMINED FROM THE GRAND TOTAL OF THE AVERAGE PRICE FOR ALL SIZES FOR SUMMER OR WINTER COVERALLS MULTIPLIED BY THE ESTIMATED USAGE OF 140/YEAR FOR EACH. BIDDERS MUST QUOTE ALL ITEMS IN ALL SIZES LISTED TO BE ELIGIBLE FOR AN AWARD.

*** SIGNATURE REQUIRED ***

IT IS ONLY NECESSARY FOR YOU TO SIGN THE FIRST PAGE OF THE INVITATION TO BID. YOUR SIGNATURE WILL SIGNIFY YOUR AGREEMENT TO ALL PRICING, TERMS AND CONDITIONS STATED HEREIN. BIDDERS ARE REQUIRED TO COMPLETE AND RETURN ALL BID PAGES WITH THEIR BID SUBMITTAL.

BIDDERS ARE SPECIFICALLY DIRECTED NOT TO CONTACT ANY CITY OF MILWAUKEE STAFF OTHER THAN THE PURCHASING AGENT FOR MEETINGS, CONFERENCES, OR TECHNICAL DISCUSSIONS THAT ARE RELATED TO THIS BID. UNAUTHORIZED CONTACT OF ANY CITY DEPARTMENT EMPLOYEE IS A CAUSE FOR REJECTION OF THE BID. ANY ADDITIONAL INFORMATION OR CLARIFICATIONS THAT ARE PROVIDED TO ONE BIDDER WILL BE PROVIDED TO ALL BIDDERS IN THE FORM OF AN ADDENDUM POSTED TO THE CITY'S WEB SITE (BIDS PENDING PAGE).

*** BID AND/OR SPECIFICATION APPEAL PROCESS ***

BIDDERS SHOULD SUBMIT A WRITTEN REQUEST TO THE PURCHASING AGENT FOR INTERPRETATION OR CORRECTION OF ANY AMBIGUITY OR INCONSISTENCY DISCOVERED IN THE BID, SPECIFICATIONS OR ATTACHMENTS. ANY REQUESTS FOR CHANGES, CLARIFICATIONS, ETC., TO THE BID RELATED SPECIFICATIONS OR ATTACHMENTS MUST BE SUBMITTED TO THE PURCHASING AGENT REFERENCED ON THE

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		BID IN WRITING AT LEAST FIVE (5) WORKING DAYS PRIOR TO THE BID CLOSING DATE. REQUESTS RECEIVED AFTER THAT TIME WILL NOT BE CONSIDERED.					

BIDDERS ARE CAUTIONED NOT TO CHANGE ANY OF THE TERMS OR CONDITIONS IN THE BID AND/OR SPECIFICATIONS WITHOUT THE WRITTEN APPROVAL OF THE DOA-PROCUREMENT SERVICES SECTION. ANY UNAUTHORIZED CHANGES WILL CONSTITUTE A COUNTEROFFER AND WILL SUBJECT THE BID TO REJECTION.

*** BID ADDENDUM ***

ANY CHANGES MADE AS A RESULT OF A WRITTEN REQUEST WILL BE ISSUED VIA A BID ADDENDUM, AND, IF NECESSARY, AN EXTENSION WILL BE MADE TO THE BID CLOSING DATE. ANY ADDENDA WILL BE POSTED TO THE CITY OF MILWAUKEE PROCUREMENT SERVICES WEBSITE: WWW.CITY.MILWAUKEE.GOV (BIDS PENDING PAGE). BIDDERS ARE RESPONSIBLE FOR CHECKING THIS WEBSITE FOR ANY FUTURE ADDENDA, ETC., PRIOR TO THE BID CLOSING DATE. ALL ADDENDA MUST BE SIGNED AND RETURNED BY THE BID CLOSING DATE AND TIME. BIDDERS WHO DO NOT RETURN THE ADDENDA MAY HAVE THEIR BID REJECTED. IF YOU ARE UNABLE TO ACCESS THE INTERNET, CONTACT DOA-PROCUREMENT SERVICES AT 414-286-3501 TO OBTAIN A HARD COPY.

THIS WILL BE A ONE YEAR CONTRACT FROM DATE OF AWARD WITH THE OPTION TO RENEW FOR THREE ADDITIONAL ONE YEAR PERIODS. THIS CONTRACT IS SUBJECT TO ANNUAL REVIEW BY THE CITY WITHIN SIXTY (60) DAYS OF THE ANNIVERSARY DATE. THE VOLUME LISTED IS AN ESTIMATE AND IS NO GUARANTEE AS TO THE AMOUNT THAT WILL BE PURCHASED DURING THE TERM OF THE CONTRACT. CONTRACT CONTINUANCE IS CONTINGENT UPON THE AVAILABILITY OF FUNDING FOR THE MATERIALS OR SERVICES TO BE PROVIDED DURING THE THREE YEAR TERM OF THE CONTRACT.

PRICES QUOTED MUST BE FIRM FOR ONE YEAR AFTER WHICH AN ESCALATOR MAY BE INVOKED UPON REQUEST AND VERIFICATION OF A LETTER FROM THE SUPPLIER AND/OR PUBLISHED PRICE SHEETS. SUCH REQUEST MUST BE MADE TO THE PURCHASING AGENT LISTED ON THE CONTRACT AT LEAST SIXTY (60) DAYS IN ADVANCE OF THE EFFECTIVE DATE OF THE INCREASE. PRICE SHALL BE BASED ON PRODUCT COST ONLY AND NOT TO EXCEED 10% OF THE FIRM BID PRICE DURING THE CONTRACT PERIOD. THE INCREASE MUST BE APPROVED BY THE BUSINESS OPERATIONS DIVISION, PROCUREMENT SERVICES SECTION PRIOR TO ITS EFFECTIVE DATE.

LIKEWISE, ANY DE-ESCALATION IN PRICE SHALL BE PASSED ON TO THE CITY. VENDORS ARE OBLIGATED TO TREAT PRICE DECREASES AS EQUALLY AS PRICE INCREASES DURING THE TENURE OF THE CONTRACT.

PRICE ESCALATION CLAUSES ARE NOT APPLICABLE FOR "DISCOUNT FROM LIST" CONTRACTS AS THE VENDOR'S CURRENT LIST WILL ALREADY REFLECT MARKET CHANGES. THEREFORE, WHILE PERCENT OF DISCOUNT OFFERED BY VENDOR MUST REMAIN FIRM FOR TERM OF CONTRACT, VENDOR MUST PROVIDE UPDATED PRICE LISTS TO THE CITY USER DEPARTMENT(S) WHEN UPDATED.

*** IMPORTANT NOTE ***

YOU MUST COMPLETE THE FOLLOWING INFORMATION:

COMPANY NAME: _____

COMPANY ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

PHONE: _____ FAX: _____

NAME OF PERSON SUBMITTING BID: _____

BIDDER'S E-MAIL ADDRESS: _____

FEDERAL TAX ID NUMBER REQUIRED: _____

BY SIGNING THIS BID, BIDDER HEREBY AGREES TO ALL THE TERMS AND CONDITIONS OF THE "CITY OF MILWAUKEE TERMS AND

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CONDITIONS FOR UNSEALED INFORMAL BIDS & CONTRACTS" DOCUMENT, WHICH IS HEREBY REFERENCED AND INCORPORATED AS PART OF THE CONTRACT AWARDED FROM THIS BID. THIS DOCUMENT CAN BE FOUND BY ACCESSING THE CITY'S WEB SITE: [HTTP://WWW.MILWAUKEE.GOV](http://WWW.MILWAUKEE.GOV), CLICK THE DEPARTMENTS LINK, CLICK THE PROCUREMENT SERVICES (PURCHASING) LINK UNDER BUSINESS AND DEVELOPMENT CATEGORY, CLICK THE BID INFORMATION LINK FOR THE DOCUMENT, OR YOU MAY OBTAIN A COPY BY CALLING OUR OFFICE AT (414)286-3501.

THE CITY STRIVES TO MAKE TIMELY PAYMENT ON INVOICES. PAYMENT TO THE VENDOR WILL BE DEEMED TIMELY IF THE PAYMENT IS MAILED, DELIVERED, OR TRANSFERRED WITHIN 60 CALENDAR DAYS AFTER RECEIPT OF A PROPERLY COMPLETED INVOICE OR RECEIPT AND ACCEPTANCE OF THE PROPERTY OR SERVICE UNDER THE ORDER OR CONTRACT, WHICHEVER IS LATER. IF THE CITY DOES NOT MAKE PAYMENT BY THE 60TH CALENDAR DAY, THE CITY SHALL PAY SIMPLE INTEREST BEGINNING WITH THE 31ST CALENDAR DAY AT THE RATE OF ONE PERCENT PER MONTH (UNLESS THE CITY DISPUTES THE AMOUNT OF THE INVOICE). REFERENCE COMMON COUNCIL FILE NO. 900859 ADOPTED OCTOBER 16, 1990, PROVISIONS OF STATE STATUTE 66.285 AND 66.286.

IF THIS BID HAS SUBCONTRACTOR REQUIREMENTS, THE PRIME CONTRACTOR MUST PAY SUBCONTRACTOR(S) WITHIN TEN WORKING DAYS OF THE RECEIPT OF PAYMENT FROM THE CITY OF MILWAUKEE, OR TEN DAYS FROM RECEIPT OF A PROPERLY SUBMITTED AND APPROVED INVOICE FROM THE SUBCONTRACTOR, WHICHEVER IS LATER. IF THE CONTRACTOR FAILS TO MAKE TIMELY PAYMENT TO A SUBCONTRACTOR, THE CONTRACTOR SHALL PAY SIMPLE INTEREST AT THE RATE OF ONE PERCENT PER MONTH, BEGINNING WITH THE 11TH CALENDAR DAY.

IF YOU WOULD LIKE TO OFFER A PAYMENT DISCOUNT TO THE CITY, PLEASE STATE BELOW:

_____, _____ %, _____ DAYS

THE CITY WILL DETERMINE THE LOW BIDDER BY TAKING INTO CONSIDERATION CASH DISCOUNTS OFFERED BY THE BIDDERS ONLY IF THE PAYMENT TERMS ARE 30 DAYS OR MORE. HOWEVER, IF THE LOW BIDDER WHO IS AWARDED THIS CONTRACT HAS QUOTED A MORE FAVORABLE DISCOUNT FOR EARLIER PAYMENT, AND THE CITY PAYS WITHIN THAT EARLIER TIMEFRAME, THE BIDDER WILL BE HELD TO THAT QUOTED DISCOUNT.

NOTE: EFFECTIVE DECEMBER 28, 2005, THE CITY OF MILWAUKEE ADOPTED AN ORDINANCE RELATIVE TO THE DISCLOSURE OF PARTICIPATION IN OR PROFITS DERIVED FROM SLAVERY BY CONTRACTORS. ALL CONTRACTORS AWARDED A CONTRACT ON BEHALF OF THE CITY OF MILWAUKEE, WHETHER OR NOT SUBJECT TO A COMPETITIVE BID, SHALL COMPLETE AN AFFIDAVIT PRIOR TO ENTERING INTO THE CONTRACT VERIFYING THAT THE CONTRACTOR HAS SEARCHED ANY AND ALL RECORDS OF THE COMPANY OR ANY PREDECESSOR COMPANY REGARDING RECORDS OF INVESTMENTS OR PROFITS FROM SLAVERY OR SLAVEHOLDER INSURANCE POLICIES DURING THE SLAVERY ERA. THE NAMES OF ANY ENSLAVED PERSONS OR SLAVEHOLDERS DESCRIBED IN THOSE RECORDS MUST BE DISCLOSED IN THE AFFIDAVIT.

THE CITY SHALL MAKE THE INFORMATION CONTAINED IN THE AFFIDAVIT AVAILABLE TO THE PUBLIC. ANY CONTRACT BETWEEN THE CITY AND A CONTRACTOR WHICH FAILS TO PROVIDE THE REQUISITE AFFIDAVIT OR WHICH INCLUDES MATERIAL FALSE INFORMATION ON SUCH AFFIDAVIT SHALL BE RENDERED NULL AND VOID. TO REFERENCE MILWAUKEE CODE OF ORDINANCES 310-14, PLEASE SEE:

<http://CC-CODENEW.MILWAUKEE.GOV/CODE/VOLUME3/CH310.PDF>

*** IMPORTANT NOTE: IF THIS QUOTE RELATES TO THE PURCHASE OF FOOD OR BEVERAGES, THE VENDOR IS URGED TO MAKE FAIR TRADE PRODUCTS AVAILABLE IN ACCORDANCE WITH COMMON COUNCIL RESOLUTION NUMBER 070280 DECLARING THE CITY OF MILWAUKEE A FAIR TRADE CITY EFFECTIVE JULY 18, 2007. ***

WOULD YOU BE WILLING TO EXTEND THE PRICING ON THE EQUIPMENT OR SUPPLIES LISTED ABOVE IF ADDITIONAL UNITS WOULD BE REQUIRED BY THE CITY? YES _____ NO _____

LIST THE PERIOD OF TIME YOUR PRICING WILL BE VALID. _____

WOULD YOU BE WILLING TO EXTEND THE PRICING FROM ANY CONTRACT THAT MAY RESULT FROM THIS BID TO OTHER V.A.L.U.E. MEMBERS OF LOCAL GOVERNMENT ENTITIES IN THE SOUTHEASTERN WISCONSIN AREA INCLUDING BUT NOT LIMITED TO THE MILWAUKEE METROPOLITAN SEWERAGE DISTRICT (MMSD) AND/OR MILWAUKEE PUBLIC SCHOOLS (MPS)?

YES _____ NO _____

PLEASE BE ADVISED THAT THE AWARD OF THIS BID BY THE CITY OF MILWAUKEE IS NOT CONTINGENT UPON YOUR AGREEMENT TO THE ABOVE REQUEST. IF, HOWEVER, YOU AGREE TO EXTEND TO ANY OTHER AGENCIES, EACH AGENCY WILL BE RESPONSIBLE FOR ISSUING AND ADMINISTERING ITS OWN CONTRACT AND RESULTING PURCHASE ORDER.

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BID PRICE TO INCLUDE DELIVERY F.O.B. DESTINATION TO THE ADDRESS AS INDICATED AT TIME OF ORDER PLACEMENT.

HAS YOUR BUSINESS BEEN CERTIFIED AS AN EMERGING BUSINESS ENTERPRISE FOR THE CITY OF MILWAUKEE BY THE EMERGING BUSINESS ENTERPRISE PROGRAM?

YES _____ NO _____

NOTE: IF THIS BID DOES NOT HAVE A SPECIFIC PERCENTAGE OF MANDATORY EBE PARTICIPATION, THE CITY STRONGLY ENCOURAGES THE USE BY THE BIDDER OF CERTIFIED EMERGING BUSINESS ENTERPRISE FIRMS FOR ANY SUPPLEMENTARY SERVICES ATTENDANT TO THE GOODS OR SERVICES PROVIDED HEREUNDER. USE OF EMERGING BUSINESS ENTERPRISE FIRMS WHENEVER POSSIBLE THROUGHOUT THE COURSE OF THIS ENGAGEMENT FOR SUCH SUPPLEMENTARY SERVICES IS STRONGLY ENCOURAGED BY THE CITY BUT IS NOT A REQUIREMENT FOR SUBMITTING A BID. FOR FURTHER INFORMATION ABOUT THIS PROGRAM FOR YOUR BUSINESS, PLEASE CONTACT THE EMERGING BUSINESS ENTERPRISE PROGRAM OFFICE AT (414) 286-5552.

DOES ANY OFFICER, EMPLOYEE, AGENT, MEMBER OF A GOVERNING BODY, OR PUBLIC OFFICIAL OF THE CITY OF MILWAUKEE WHO EXERCISES ANY FUNCTIONS OR RESPONSIBILITIES IN CONNECTION WITH REVIEWING, APPROVING OR ADMINISTERING THE CARRYING OUT OF ANY SERVICES OR REQUIREMENTS TO WHICH THIS BID PERTAINS, HAVE ANY PERSONAL INTEREST, DIRECT OR INDIRECT, IN THIS BID AND ANY CONTRACT THAT MAY RESULT THEREOF?

YES _____ NO _____

YOU MAY RESPOND VIA FAX 414-286-5976 ON OR BEFORE 4:45 PM 3/10/08.

IF YOU CHOOSE TO MAIL YOUR BID, MAIL IT TO:

DOA-PROCUREMENT SERVICES SECTION
200 EAST WELLS STREET, ROOM 601
MILWAUKEE, WI 53202

YOUR BID ENVELOPE MUST BE PLAINLY MARKED IN THE LOWER LEFT HAND CORNER WITH THE BID NUMBER, BID CLOSING DATE AND THE BID DESCRIPTION.

BIDDERS WISHING TO HAND DELIVER THEIR BID SHOULD BRING THEIR BID RESPONSE BEFORE THE BID CLOSING DATE AND TIME TO:

DEPARTMENT OF ADMINISTRATION (DOA)
200 E. WELLS STREET, ROOM 606 (6TH FLOOR OF CITY HALL)
MILWAUKEE, WI 53202

THE HAND DELIVERED BID RESPONSE SHOULD BE TIME STAMPED IN THE DOA RECEPTION AREA.

ALL BIDS RECEIVED AFTER THE SPECIFIED CLOSING DATE AND TIME WILL BE REJECTED.

EMERGING BUSINESS ENTERPRISE PROVISIONS

I. General

A. In accordance with Chapter 360 of the Milwaukee Code of Ordinances Emerging Business Enterprise (EBE) participation is required in all contracting activities of the Business Operations Division, Procurement Services Section. The ordinance requires that certified EBEs be utilized for 18% of the total dollars annually expended through commodity or service contracts. In an effort to meet these requirements, the Purchasing Director, as contracting officer for the City, requires all bidders to utilize EBEs as subcontractors and/or material suppliers on all contracts. For this contract, bidders are required to achieve a minimum 18% EBE participation.

This is NOT AN ORDER

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Unauthorized

Invitation to Bid

City of Milwaukee

CITY OF MILWAUKEE
200 E WELLS STREET
MILWAUKEE WI 53202
United States

CIMIL

Vendor: 0001030455
WEBPAGE DOWNLOAD
<http://www.milwaukee.gov/citygov/daa/sp/sp.shtml>
MILWAUKEE WI 53202

Bid ID	Date	Buyer	Page
CIMIL-0000002093	02/26/2008	Diane Berndt	8
Payment Terms	DateTime Bid Open	Closing	
PROMPT PAY	02/26/2008 03:18 PM	03/10/2008 04:45 PM	

Ship To: See Detail Below

Bill To: MILW WTR WORKS-ADMIN 641ADMIN
MUNICIPAL BLDG., ROOM 409
841 NORTH BROADWAY
MILWAUKEE WI 53202
United States

Line	Item	Description	Mfg ID	Mfg Item ID	Quantity	UOM	Need Date
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B. The vendor shall prepare and submit accurate and timely EBE utilization forms and reports to the Business Operations Division, Procurement Services Section. The report shall include, but not be limited to, EBE participation for subcontractors (Form A), EBE monthly report (Form D), and EBE subcontractor payment certification (Form E) forms as directed. Failure to submit the forms and/or reports to the Business Operations Division, Procurement Services Section may result in disqualification of future bids, delay of payments, or other sanctions deemed appropriate. The final contract payments will not be made until final EBE monthly report (Form D) and EBE subcontractor payment certification (Form E) are on file with the Business Operations Division, Procurement Services Section.

C. During the performance of this contract, the Business Operations Division, Procurement Service Section reserves the right to conduct compliance reviews. If the contractor is not in compliance with the specifications, the Business Operations Division, Procurement Services Section will notify the contractor in writing of the corrective action that will bring the contractor into compliance. If the contractor fails or refuses to take corrective action as directed, except in the case of fraudulent information, the Business Operations Division, Procurement Services Section may take one or more of the following actions listed below:

1. Terminate or cancel the contract, in whole or in part.
2. Possible debarment of the contractor from bidding.
3. Withhold payments on the contract.
4. Any other remedy available to the City by law or in equity.

II. Definitions

A. "EMERGING BUSINESS ENTERPRISE" (EBE) means a small business concern that is owned, operated and controlled by one or more disadvantaged individuals. The disadvantaged individuals must have day-to-day operational and managerial control and interest in capital, financial risks and earnings commensurate with the percentage of ownership.

B. "DISADVANTAGED INDIVIDUAL" means a person who is a citizen or lawful permanent resident of the United States and who has experienced and who continues to experience substantial difficulty in achieving business-related success as defined in subsections 11 and 12 of Chapter 360 of the Milwaukee Code of Ordinances.

C. "OWNED/OPERATED AND CONTROLLED" means a business which is one of the following:

1. A sole proprietorship legitimately owned and operated and controlled by a disadvantaged individual.
2. A partnership or joint venture legitimately owned, operated and controlled by disadvantaged individuals who owned at least 51% of the beneficial ownership interests in the enterprise and who hold at least 51% of the voting interests of the enterprise.
3. A corporation legitimately owned, operated and controlled by one or more disadvantaged individuals who owned at least 51% of the outstanding shares and who hold at least 51% of the voting interests of the corporation.

III. EBE Utilization Requirements

A. Each vendor shall utilize EBE to a minimum of 18% on this contract. Note that the vendor shall be required to attain EBE participation on their base bid (excluding specified, alternatives, and change orders). EBE commitments relative to contract award shall be based upon the approved EBE participation form (Form A).

B. The determination of EBE utilization shall be based on the following criterion:

1. The firms identified as EBE by the vendor on the EBE participation form must be certified by the City of Milwaukee's Emerging Business Enterprise Program prior to bid opening.
2. The contractor shall be credited for the entire expenditure to EBE firms only if all of the identified scope of work is performed directly by the certified EBE firm.

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3. The contractor shall be credited for the entire expenditure to a EBE manufacturer only if the manufacturer produces goods from raw materials or substantially alters them for resale. Only 20% of the EBE participation may be extended for EBE suppliers that do NOT manufacture the products they supply.

4. The contractor shall count only the EBE requirement of expenditures to EBEs that perform a commercially-useful function in the actual work of the contract. EBEs are required to notify the Business Operations Division, Procurement Services Section if they subcontract out work on this project, to ensure that they perform a commercially-useful function. The Business Operations Division, Procurement Services Section will make the final determination and evaluation of whether or not the EBE is performing a commercially-useful function on this project.

C. Vendors should submit a completed EBE Participation Form (Form A) and Affidavit of Compliance (Form B), which meet the minimum EBE % participation specified utilizing City certified EBE's with the bid.

1. Information on the Form (A) shall include, but not be limited to:

a. The name, address, contact person and telephone numbers for the certified EBE firms that will participate on the bid as subcontractors or suppliers.

b. A description of the scope of work to be performed by the EBE (s) on this bid.

c. The EBE contract dollar value and corresponding percentages that the dollar value represent of the total contract amount.

d. The EBE (s) owner/or authorized representative acknowledgement signature.

2. The listing on the EBE Participation Form (A) shall constitute a representation that the contractor has communicated directly with the EBE(s) listed. If the vendor is awarded the contract, they will enter into a subcontract with the certified firm (s) for that portion of the work listed at the designated price(s) set forth.

3. EBE participation is an element of bid responsiveness. Failure to meet the specified EBE requirements will render the bid unresponsive, and the Business Operations Division, Procurement Services Section may then recommend award to the next apparent low bidder.

4. Only EBE(s) that have been EBE City certified by the Emerging Business Enterprise Program may be listed on the EBE Participation Form and counted towards the percentage requirements on this project. A listing of the current CITY certified EBE firms is maintained at:

City of Milwaukee
Department of Administration
Emerging Business Enterprise Program
200 E Wells St, City Hall, Room 601
Milwaukee, Wisconsin 53202
414-286-8781

D. If for any reason a EBE cannot perform, THE CONTRACTOR SHALL CONTACT THE BUSINESS OPERATIONS DIVISION, PROCUREMENT SERVICES SECTION FOR APPROVAL TO SUBSTITUTE ANOTHER CITY EBE CERTIFIED FIRM. The contractor must submit a written request for substitution which specifies the reasons for the request. Approval must be obtained prior to making substitution. Any difference in the cost occasioned by such substitution shall be borne by the contractor. If the contractor cannot find another certified firm to do the work at a comparable price, a non-EBE firm may be substituted with the approval of the Business Operations Division, Procurement Services Section.

E. If the contractor has a problem in meeting the EBE requirements or if any other problems relative to EBE(s) arise during or before completion of the contract, the contractor shall immediately contact the Business Operations Division, Procurement Services Section.

F. Certification programs other than the City's Emerging Business Enterprise Program are not accepted by the City of

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Milwaukee nor do they have any bearing on the eligibility criteria established by the City of Milwaukee.							

G. The Business Operations Division, Procurement Services Section reserves the right to waive any of these specifications when it is in the best interest of the City and in accordance with the procedures set forth in Chapter 360 of the Milwaukee Code of Ordinances.

H. Right to Appeal. All contracts required to be purchased from the lowest responsible and responsive bidder under s. 16-05-2 of the City charter shall be purchased from the lowest responsible and responsive bidder determined in accordance with applicable City ordinances for participation of EBEs. Determinations made by the purchasing agent under applicable city ordinances for participation by EBEs shall be subject to appeal in accordance with the procedures prescribed by s.16-01 of the City charter and the Milwaukee code for appeals from the recommendations of the purchasing agent as to the apparent low responsible and responsive bidder. Effective August 8, 2001, the fee required to appeal bid specifications is 1% of the estimated dollar amount of the contract, and the fee required to appeal bid award recommendations is 1% of the dollar value of the recommended award pursuant to s.16-05 of the charter and s.310-19 of the code. The required appeal fee is a prerequisite for pursuing your appeal and must accompany your appeal. If your appeal is upheld, the appeal fee will be refunded.

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